THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14154 of 2007

Dated: 09-07-2007

Between:

Moka Sattemma and others.

..... PETITIONERS

AND

The District Collector, West Godavari, Eluru, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14154 of 2007

ORDER:

First petitioner was assigned land admeasuring Acs.2.53 in survey No.2001/2, father of second petitioner was assigned land admeasuring Acs.2.54 in survey No.1996/1 and father of third petitioner was assigned land admeasuring Acs.2.55 in survey No.1995/1 by the Tahsildar in 1983. The land is situated at situated at Gollavani Thippa, L.G. Paddu Revenue Village, Bhimavaram Mandal, West Godavari District. The assignment was by way of D-Form pattas. After death of his father, second petitioner succeeded to the land and after death of his father, third petitioner succeeded to the land. In the affidavit accompanying the writ petition filed by first petitioner, it is alleged that on 30.06.2007, third respondent, namely, the Mandal Revenue Officer(MRO), came to their land and directed the petitioners to vacate the land. Therefore, they filed instant writ petition.

The learned counsel for the petitioners submits that without giving any notice and without conducting any enquiry, third respondent is trying to interfere with the petitioners' possession and insisting upon them to vacate the land, which is arbitrary. Therefore, he submits that a Mandamus may be issued to third respondent. **Per contra**, the learned Assistant Government Pleader for Revenue (Assignment), after getting instructions, submits that the alleged assignment was cancelled in 1996 and first petitioner filed an appeal before the Joint Collector, which was also dismissed. Therefore, liberty is given to the petitioners to approach MRO and obtain a copy of cancellation orders and seek redressal before the Departmental Authorities. This Court observes that if the petitioners are still in possession of the land as alleged, MRO will take action in accordance with law if the assignment is not cancelled.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

09th July, 2007

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